

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

WENDY'S NETHERLANDS B.V.,

Plaintiff,

v.

ANDREW LEVY,

Defendant.

Civil Action No. 2:24-cv-03077

Judge Michael H. Watson

Magistrate Judge Kimberly Jolson

**DEFENDANT'S UNOPPOSED MOTION TO  
RESCHEDULE EVIDENTIARY HEARING**

Defendant, Andrew Levy, by and through counsel, and pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, moves the Court to reschedule the evidentiary hearing currently scheduled for March 24, 2025. Counsel for Plaintiff, Wendy's Netherlands B.V. was consulted and does not oppose this Motion.

There is good cause to reschedule the evidentiary hearing. On January 28, 2025, the Court ordered the parties to appear on March 13, 2025, at an evidentiary hearing with respect to Defendant's Motion to Vacate Cognovit Judgment. On February 11, 2025, the Court rescheduled the hearing for April 4, 2025.

Plaintiff filed an unopposed motion to continue as its corporate representative was unavailable on that date; Plaintiff requested the hearing be rescheduled after April 7, 2025.

The Court granted Plaintiff's request and rescheduled the hearing for March 24, 2025. Defendant's undersigned trial attorney will be out of the state on a

previously scheduled vacation (that week is spring break for his school-aged children) so requests the Court reschedule the hearing.

Counsel for parties consulted on mutually available dates and counsel for Plaintiff then contacted the Court's chambers to coordinate dates the Court was also available. Chambers suggested three dates: March 19, April 23, and April 25. All three of these dates are convenient for both parties and counsel.

Accordingly, Defendant requests the Court reschedule the March 24, 2025 evidentiary hearing to March 19, April 23, or April 25.

Respectfully submitted,

/s/ John A. Borell, Jr., Trial Attorney

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Counsel for Defendant

Andrew Levy

**CERTIFICATE OF SERVICE**

On February 22, 2025, this document was filed electronically with the Clerk of the United States District Court for the Southern District of Ohio, Eastern Division, which will electronically serve a copy of the foregoing on all counsel of record for all parties.

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